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14 Attorneys for Defendant

15 **UNITED STATES DISTRICT COURT,**  
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 BARBARA BROWN,

CASE NO. 3:13-CV-03985-JCS

18 Plaintiff,

**STIPULATION AND PROPOSED ORDER  
SETTLING ATTORNEY'S FEES  
PURSUANT TO THE EQUAL ACCESS  
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

19 vs.

20 CAROLYN W. COLVIN,  
21 Acting Commissioner of Social Security,

22 Defendant.

23  
24 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
25 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the  
26 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND  
27 DOLLARS (\$5,000.00). This amount represents compensation for all legal services rendered on  
28 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §  
2412(d).

29 After the Court issues an order for EAJA fees, expenses and costs to Plaintiff, the  
30 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and  
31 costs to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to  
32 honor the assignment will depend on whether the fees, expenses and costs are subject to any  
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1 offset allowed under the United States Department of the Treasury's Offset Program. After the  
2 order for EAJA fees, expenses and costs is entered, the government will determine whether they  
3 are subject to any offset.

4 Fees, expenses and costs shall be made payable to Plaintiff, but if the Department of the  
5 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause  
6 the payment of fees, expenses and costs to be made directly to HOMELESS ACTION CENTER,  
7 pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to  
8 Plaintiff's counsel.

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
10 attorney fees, expenses and costs, and does not constitute an admission of liability on the part of  
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release  
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to  
13 EAJA attorney fees and expenses and costs in connection with this action.

14 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
15 Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

16 Respectfully submitted,

17  
18 Dated: July 17, 2014

*/s/Ann Rubinstein*  
ANN RUBINSTEIN  
HOMELESS ACTION COMMITTEE  
Attorney for Plaintiff  
[as authorized by telephone]

21  
22 Dated: July 17, 2014

MELINDA L. HAAG  
United States Attorney  
DONNA L. CALVERT  
Regional Chief Counsel, Region IX  
Social Security Administration

25 By:

*/s/ Theophous H. Reagans*  
THEOPHOUS H. REAGANS  
Special Assistant U.S. Attorney

27 Attorneys for Defendant

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3 APPROVED AND SO ORDERED:

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6 DATED: 7/21/14

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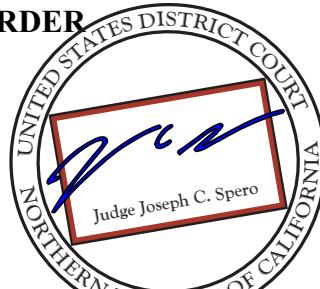
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**ORDER**



JOSEPH C. SPERO

UNITED STATES MAGISTRATE JUDGE